



MINUTES OF THE COUNCIL MEETING

A virtual meeting of the Council of the Medical Society of the State of New York was convened on Thursday, November 5, 2020 at 9:00 a.m.

The President of the Society presided:

PRESENT

OFFICERS

Bonnie L. Litvack, MD
Joseph R. Sellers, MD
Parag H. Mehta, MD
Arthur C. Fougner, MD
Frank G. Dowling, MD
Joshua M. Cohen, MD
Mark J. Adams, MD
Howard H. Huang, MD
William R. Latreille, Jr., MD
Maria A. Basile, MD

COUNCILORS

Daniel E. Choi, MD
Stephen F. Cocco, MD
Janine L. Fogarty, MD
David M. Jakubowicz, MD
Thomas T. Lee, MD
Raymond Lorenzoni, MD
Adolph B. Meyer, MD
Brian P. Murray, MD
Gregory L. Pinto, MD
Paul A. Pipia, MD
Barry Rabin, MD
Saulius J. Skeivys, MD
Luis Carlos Zapata, MD

TRUSTEES

Andrew Y. Kleinman, MD, Chair
Thomas J. Madejski, MD
Charles Rothberg, MD

EXECUTIVE STAFF

Philip A. Schuh, CPA, MS

LEGAL COUNSEL

Barry Cepelewicz, MD, Esq.

MSSNY STAFF

Raza Ali
Ruzanna Arsenian
Morris Auster, Esq.
Sandra Bennett
Zina Cary
Patricia Clancy
Miriam Hardin
Laurie Mayer
Regina McNally
Michele Nuzzi Khoury
Roseann Raia
Suzanne Reilly
Michael Reyes
Steven Sachs
Christina Southard
Brenda Van Nest
John Vecchio
Julie Vecchione DeSimone

EXCUSED

Mark R. Jajkowski, MD
Shireen Saxena

ABSENT

Robert A. Hesson

COUNTY EXECUTIVES

Christopher Bell
Elizabeth Harrison
Cheryl Malone
Janine Miller
Vangie Rosado-Tripp
Stavroula Savelidis

COUNTY FEDERATION

EXECUTIVE

Aaron Kumar, MD

GUESTS

Inderpal Chhabra, MD
Sarah Crouse
Lori Hertz
John Kennedy, MD
Jennifer Lee
John Lombardo, MD
David Mancione

A. Call to Order and Roll Call

B. **APPROVED**, the September 17, 2020 Council Minutes

C. New Business

President's Report

APPROVED, the following Presidential Appointments to the 2021 Nominating Committee

Chair: Arthur Fougner, MD
Immediate Past President

First District: Adolph Meyer, MD
Second District: Paul Pipia, MD
Third District: Joseph Sellers, MD
Fourth District: Gregory Pinto, MD
Fifth District: Howard Huang, MD
Sixth District: Jerome Cohen, MD
Seventh District: Mark Adams, MD
Eighth District: Rose Berkun, MD
Ninth District: Thomas Lee, MD

Members-At-Large: Andrew Kleinman, MD
Daniel Young, MD

Legislative & Physician Advocacy Committee, Paul Pipia, Chair
APPROVED, the 2021 Legislative Program

Employed Physicians Committee Resolutions, Arthur Fougner, MD, Chair
ADOPTED, the following Substitute Resolution in lieu of Resolutions 54 & 55,
“End Restrictive Covenants” & “Restrictive Covenants”

RESOLVED, that the Medical Society of the State of New York support legislation that prohibits a “restrictive covenant” provision in a health system-physician employment contract or in a contract between a Management Services Organization (MSO) and a physician that limits the ability of such physician to deliver care in the same region after the physician leaves employment from such health system or leaves the medical practice that utilizes that MSO; and be it further

RESOLVED, that the Medical Society of the State of New York conduct a survey of physicians to assess their support or opposition to legislation to prohibit all restrictive covenants.

APPROVED, to sign on to the following:

1. Amicus Brief pertaining to the Public Health Quarantine of COVID-19 for hot spot areas which are being challenged legally regarding limits placed on religious gatherings
2. Amicus Brief to take further steps to work with entities that are defending against a further troublesome expansion of New York’s “Date of Discovery” exception to its Statute of Limitations for medical liability claims (Lavern’s Law)

Premier Presentation – Presented by Mr. David Mancione, Senior Vice President

Premier is a Group Purchasing Organization (GPO) that offers the most comprehensive purchasing portfolio of products and services available in the market. Premier offers best pricing on everything from medical supplies and pharmaceuticals, to business solutions and support, to employee benefits and IT/Telecom services. Premier serves over 200 acute care systems and affiliated organizations. Premier publicly traded on the NASDAQ ownership by 175 of America's leading healthcare institutions. It is recognized as one of the "World's Most Ethical Companies".

Board of Trustees Report – Presented by Dr. Andrew Kleinman

A virtual meeting of MSSNY's Board of Trustees was held on Wednesday, November 4, 2020 at 7:00 p.m.

The Council **APPROVED** the following actions:

The Board approved the Minutes from the Board of Trustees Meeting held on September 16, 2020.

The Board reviewed the Minutes from a special meeting that was held on October 26, 2020 to once again discuss MSSNY's interest in purchasing an office building and garage in Albany. After a lengthy discussion, a motion was made and seconded to table this to the next Board meeting in January 2021.

The Board discussed negotiating an agreement with CareClix a Telehealth Organization. There will be a final review of the contract by the Board after it has been vetted by MSSNY's Legal Counsel.

Secretary's Report – Presented by Dr. Frank Dowling

APPROVED, unanimously, the Secretary's Report:

- Life Membership for twenty-nine (29) physicians
- Dues Remissions for two (2) physicians for 2021
- A special request from Jefferson County Medical Society requesting life membership status to be granted to Dr. Mirza Ashraf

MLMIC Update – Presented by Dr. John Lombardo

Dr. Lombardo reported that the courts are beginning to open with video depositions. Many physicians treated patients in nursing homes as part of their practice. It is very important to document everything that you do in nursing homes to treat patients. Continue to practice good medicine and document everything.

AMA Delegation Report – Presented by Dr. John Kennedy

Dr. Kennedy reported that there will be a virtual meeting of the AMA House of Delegates. From our delegation, we are supporting two physicians for next June's election. Dr. Bob Goldberg running for re-election for the Council on Medical Education and Dr. Michael Simon running for Council on Medical Services. The big four states, New York, Florida, Texas & California are having a conference call on other things which are happening.

MSSNYPAC Report – Presented by Dr. Thomas Lee

Dr. Lee reported that the financial status of MSSNYPAC during the 2020 fiscal year 1/1/20 – 11/2/20 \$118,658.44 have been collected from 286 individual supporters. MSSNYPAC participated in the first virtual House of Delegates and over \$25,000 was collected from participants both during & after the event. Dr. Lee encouraged councilors, county societies, and officers to promote MSSNYPAC membership.

County Federation Report – Presented by Dr. Aaron Kumar

Dr. Kumar reported that conversations with the State Board, MSSNY, the County Federation are underway regarding delegated credentialing. The Federation long with the MSSNY Membership Committee will be evaluating direct member engagement options by county executives and board members.

Reports of Officers

Office of the President – Bonnie L. Litvack, MD

Dr. Litvack reported that March 2 is lobby day and will be virtual.

MSSNY has been successful in getting the Governor's office to approve extending the time of reporting Influenza & COVID-19 testing results from 3 hours to 24 hours.

The AMA Scope of Practice Partnership awarded our MSSNY a grant to help subsidize a campaign to defeat legislation in the New York State Legislature that would create complete independent practice for various non-physician practitioners while promoting the concept of maintaining physician-led team care.

Office of the National Coordinator for Health IT (ONC) announced that it will be extending the deadline for compliance with the Information Blocking Rule, a provision of the 21st Century Cures Act. Under the interim rule, providers will not be required to come into compliance with the regulation's information-blocking provisions until April 5, 2021. Compliance for conditions and maintenance of certification requirements related to application programming interface (API) will also go into effect in April 2021 while standardized API functionality will not be required until December 2022. This extension is a direct result of advocacy by both MSSNY and the AMA who urged the ONC to give healthcare providers more time and flexibility during the COVID-19 pandemic.

Dr. Litvack was appointed by Governor Andrew Cuomo to serve on the Vaccine Distribution and Implementation Task Force which has been established to guide the process of how the vaccine will be distributed and administered throughout New York State.

MSSNY launched its Peer to Peer Program which is comprised of trained MSSNY physicians, residents, or students as peer supporters. The MSSNY Peer 2 Peer (P2P) program is designed to assist colleagues who need help in dealing with work and family stress.

MSSNY is preparing a PPE Survey. The purpose of this survey is to obtain updated data to share with policymakers whether these difficulties in obtaining PPE continue to exist for physicians.

Dr. Litvack referenced the COSMOS group. The group has been growing and producing letters and joint statements on marijuana, surprise billing, Medicare cuts.

Dr. Litvack welcomed Dr. Dan Choi, Suffolk County Councilor and Assistant Commissioner of CME.

Dr. Litvack thanked Phil for many years of dedication to MSSNY. MSSNY hired a Search Committee Firm, Korn Ferry to help with the interviewing process.

The next virtual Council meeting will be held on January 14, 2021 at 9:00 a.m.

Office of the President-Elect – Joseph R. Sellers, MD

Dr. Sellers thanked Dr. Litvack for conveying the activities of the Office of the President. He also thanked Dr. Kleinman and the Board of Trustees for the financial return on the investments.

Due to COVID-19, MSSNY is struggling due to drop in membership and revenue. Advocacy success is making it safe for physicians to practice medicine because of our leadership. Telemedicine is a great value to medical practices.

Office of the Vice-President – Parag H. Mehta, MD

Dr. Mehta projected slides. He reported that we should think of MSSNY as an organization, as a person. We have to imagine the value creation for the membership. Being a member of MSSNY is not only for advocacy, but also for good personal development. Professional as well as advocacy. Dr. Mehta reported that engaging in more social media skills will promote the society.

Office of the Immediate Past President – Arthur C. Fougner, MD

Dr. Fougner reported that a resolution on Restrictive Covenants needed to move forward. The other issue is Physician Unions. It is time that MSSNY move forward on this matter.

Office of the Treasurer – Mark J. Adams, MD

Dr. Adams reported that MSSNY continues to have a decline within the dues income and it is of great concern. The Council **ACCEPTED**, the Financial Statement for the period 1/1/20 – 9/30/20

Office of the Speaker – William R. Latreille, Jr., MD

Dr. Latreille reported that the business of the 2020 House of Delegates meeting is in the process of being executed. The information will be installed on the MSSNY website.

The Speakers continue to discuss and consider the 2021 House of Delegates meeting and considering and recommending consideration of a September date.

Dr. Latreille reported that that he is still planning a Lake Placid meeting on January 30, 2021.

Reports of Councilors (Informational)

Kings & Richmond Report – Adolph B. Meyer, MD

Dr. Meyer reported that Nicole Maliotakis is the winner of the congressional districts in Brooklyn and Staten Island.

Manhattan & Bronx Report – David M. Jakubowicz, MD

Dr. Jakubowicz reported that New York County had a virtual reception on October 7 for New York State Democrats. Bronx County and their President Dr. Michelle Stern will be having discussions on Health Disparities.

Nassau County Report – Paul A. Pipia, MD

Dr. Pipia reported that Nassau County Medical Society is getting ready to move to a new location.

Queens County Report – Saulius J. Skeivys, MD, (report as submitted)

Suffolk County Report – Daniel E. Choi, MD

Dr. Choi reported that options to minimize board room space and relocation were discussed. Delegated Credentialing proposed by the State Workers Compensation Board was discussed and there are multiple concerns on the effects of this proposal.

Third District Branch Report – Brian P. Murray, MD

Dr. Murray reported that St. Peter’s and Ellis Hospital signed a letter of intent to merge. The signing is a preliminary commitment to a joint affiliation in a careful review process.

Fourth District Branch Report – Gregory L. Pinto, MD

Dr. Pinto reported that he attended a fundraising breakfast for Congresswoman Elise Stefanik

Fifth District Branch Report – Barry Rabin, MD

Dr. Rabin reported that the county execs would like to thank Dr. Aaron Kumar for representing them to the MSSNY Council.

Sixth District Branch Report – Robert A. Hesson, MD (report as submitted)

Seventh District Branch Report – Janine L. Fogarty, MD

Dr. Fogarty thanked Mr. Christopher Bell, Monroe County Executive for all he has done for physicians in Monroe. Monroe is currently engaged in finding a new executive director.

Eighth District Branch Report – Mark R. Jajkowski, MD (report as submitted)

Ninth District Branch Report – Thomas T. Lee, M

Dr. Lee reported that the county engaged in Zoom legislative meetings. He also thanked MSSNY for the continued support to serve physician members.

Westchester County Medical Society will have a discussion with White Plains Hospital regarding the group membership. This would bring in over 800 new members to MSSNY and the Westchester Medical Society.

Medical Student Section Report – Shireen Saxena (**no written report submitted**)

Organized Medical Staff Section Report - Stephen F. Coccaro, MD
(**no written report submitted**)

Resident & Fellow Section Report – Raymond Lorenzoni, MD

Dr. Lorenzoni reported that the RFS Delegation has an active membership. Twenty-six RFS members will be attending the AMA/RFS meeting. He will be running for RFS Delegate, Dr. Koirala will be RFS Board of Trustees and Dr. Spadafore will be running for RFS Speaker.

Young Physician Section Report – L. Carlos Zapata, MD

Dr. Zapata reported that the YPS had two virtual meetings, October 4 and November 1. The YPS is planning their annual spring virtual meetings which will likely be held in February or March. The RFS discussed social media campaigns to help MSSNY.

Commissioners (Informational Items)

Commissioner of Communications, Maria A. Basile, MD, MBA

Report from the Division of Communications

Dr. Basile reported that there would be a series of workshops for MSSNY leaders called the “MSSNY Socials”. The three main platforms are Twitter, Facebook & Instagram. The first workshop should be at the end of the year. Social media can really work both ways in terms of getting the message out to members as well as being able to maintain our professional society.

Commissioner of Continuing Medical Education, Mark J. Adams, MD

Report from the Division of CME

Dr. Adams reported that the CME committee approved an update to the relevant financial relationship (RFR) form. The update clarifies that individuals in control of CME content are being asked to disclose relevant financial relationships with commercial interests. The ACCME defines a “commercial interest” as any entity producing, marketing, re-selling, or distributing health care goods or services. The ACCME does not consider providers of clinical service directly to patients to be commercial interests. Manufacture does not capture all aspects of the definitions.

Commissioner of Governmental Relations, Gregory L. Pinto, MD

The following were submitted for information:

COSMOS Call Minutes, October 19, 2020

Employed Physicians Minutes, October 27, 2020

Long Term Care Minutes, October 8, 2020

Scope of Practice Minutes, September 11, 2020

Report from the Division of Governmental Affairs - Dr. Pinto reported that the governor extended the time of reporting Influenza & COVID-19 testing results from 3 hours to 24 hours.

Commissioner of Membership, David M. Jakubowicz, MD

Dr. Jakubowicz thanked Dr. David Podwall for his great work as chair of the Membership Committee. Another outcome of the summer campaign was the realization that many county leaders do not know many of their members. To improve relationships and reach out to new members, a “buddy” system was proposed. Counties will be asked to develop methods by which their board members reach out to new members each month, make phone calls, invite them to board meetings.

Commissioner of Science & Public Health, Joshua M. Cohen, MD

The following were submitted for information:

Addiction & Psychiatric Medicine Minutes, October 16, 2020

Health Disparities Minutes, October 2, 2020

Heart Lung & Cancer Minutes, October 14, 2020

Infectious Diseases Minutes, October 15, 2020

Dr. Cohen reported that there are several CME webinars through the various public health grants. On December 5, there will be a Veterans Matters webinar. It will be open for all physicians and will provide three hours of CME.

Commissioner of Socio Medical Economics, Brian P. Murray, MD

Regina reported that in order to make a Prompt Payment complaint to DFS, MSSNY needs data. We have asked for a copy(s) of the original claim filed with the insurer, a copy(s) of the plan's request for additional information, the date and address of the submission of the additional information. Lastly, we need the insurer's Explanation of Benefits to show when the plan either paid or denied the claim(s). Upon receipt, MSSNY will ask the Department of Financial Services to investigate the payer relative to NYS Prompt Payment Law.

Report of the Executive Vice President, Philip Schuh, CPA, MS

Membership Dues Revenue Schedule

Group Institutional Dues Report

Mr. Schuh briefly stated that despite the drop in income from MSSNY membership dues, MSSNY has a substantial savings resulting from the cancellation of the 2020 HOD. MSSNY has been receiving grants from the Physicians' Foundation.

Report of the General Counsel, Garfunkel Wild, Barry Cepelewicz, MD, Esq

(No verbal report)

Report of the Alliance, Barbara Ellman

Ms. Ellman reported that the Alliance is still working on a mandate for protective headgear for girls lacrosse players

Other Information/Announcements

(No reports submitted)

Adjournment – There being no further business, a Motion was made, seconded, and accepted. The virtual meeting adjourned at 12:30 p.m.